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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,451	06/26/2003	Phillip C. Liu	16440.4021	9165

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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
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IRVINE, CA 92614-2558

EXAMINER
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LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/606,451

Applicant(s)

LIU ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 1-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Art Unit: 2153

1. Claims 1-18 are presented for examination.

2. The disclosure is objected to because of the following informalities:

(a) On page 2, the text of the fourth paragraph should be updated with the current status of the cited applications such as U.S. Patent Application Serial No., a filing date, U.S. Patent No., and the issued date. Appropriate correction is required.

3. Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 8, and 17 it is unclear from where an activation signal come. And, it is unclear to where an initiate meeting request. It is unclear where a meeting zone is established.

In claim 3, 4, 8, 13, "the respective computer" lack clear antecedent basis.

In claim 17, "operable" Regarding claims 1-11, the user of word, any verbs plus able, (e.g., recognizable, applicable, etc.) renders the claims indefinite because this term "able" implies that the action may or may not be happened, thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-33 are rejected under 35 U.S.C. §102(e) as being anticipated by Ludwig et al. [U.S. Patent No. 7,185,054].

6. Ludwig et al. anticipates (e.g., see Figs. 1-42) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipates a system for initiating a collaborative computing session during a telephone call involving a plurality of users, each user having a respective computer and at least some of the users having respective advanced capability telephones, the system comprising:

a) telephone activation means (e.g., see 162, 169 of Fig. 20) present on a first advanced capability telephone for generating an initiate meeting request (e.g., see 161 of Fig. 20) in response to an activation signal at the first advanced capability telephone (e.g., see the abstract, col. 3 (line 24-30), col. 4 (lines 50-68), col. 5 (lines 14-19), col. 19 (line 28)); and

b) computer activation means (e.g., 167 of Fig. 20) present on a respective computer of the user having the first advanced capability telephone for establishing a meeting zone for the collaborative computing session and for opening a first collaborative meeting window on the respective computer of the user having the first advanced capability telephone (e.g., see col. 3 (line 24-30), col. 4 (lines 50-68), col. 5 (lines 14-19), col. 19 (line 28)).

7. As to claim 2, Ludwig et al. further anticipates the telephone activation means for issuing a join meeting request (e.g., see col. 4 (line 64), 223 of Figs. 37-38) from the first advanced capability telephone to a second advanced capability telephone.

8. As to claim 3, Ludwig et al. further anticipates the computer activation means for opening at least a second collaborative meeting window on the respective computer of the user having the second advanced capability telephone (e.g., see Fig. 41, col. 3 (lines 24-30), col. 4 (lines 50-68), col. 5 (lines

14-19), col. 19 (lines 45-66)).

9. As to claim 4, Ludwig et al. further anticipates the computer activation means for issuing an invite attendee request to the first advanced capability telephone, wherein the invite attendee request contains information for enabling a second collaborative meeting window (e.g., see one of collaboration initiators 166, 167 or 168, col. 19 (lines 45-66)) to be opened on the respective computer of the user having a second advanced capability telephone.

10. As to claim 5, Ludwig et al. further anticipates the computer activation means for sending an email invitation (e.g., see 165 of Fig. 20, 506 of Fig. 31B, mail collaboration initiator, multimedia mail of Fig. 29, col. 19 (line 46)), to each of the users who do not have an advanced capability telephone.

11. As to claim 6, Ludwig et al. further anticipates creating an action document at the respective computer of the user having the first advanced capability telephone; and posting the action document to a meeting server (e.g., see col. 19 (lines 45-67), col. 21 (line 40) to col. 22 (line 44)).

12. As to claim 7, Ludwig et al. further anticipates the first advanced capability telephone comprises an Internet Protocol telephone (e.g., see col. 21 (line 40) to col. 22 (line 44)).

13. Claims 8-18 are rejected for the same rationale as claims 1-7, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2153

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

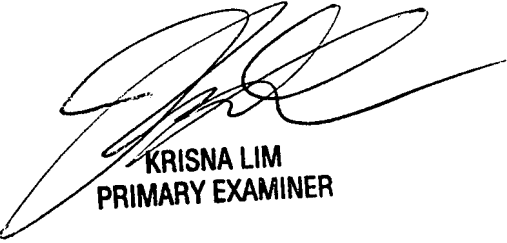
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 8, 2007



KRISNA LIM  
PRIMARY EXAMINER